

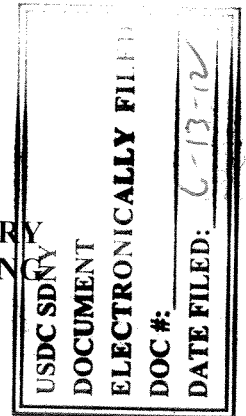
UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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REVISED

**CIVIL CASE DISCOVERY  
PLAN AND SCHEDULING  
ORDER**

10 CV 7493 (VB)



This Civil Case Discovery Plan and Scheduling Order is adopted, after consultation with counsel and any unrepresented parties, pursuant to Fed. R. Civ. P. 16 and 26(f):

1. All parties do not consent to conducting all further proceedings before a Magistrate Judge, including motions and trial, pursuant to 28 U.S.C. § 636(c). The parties are free to withhold consent without adverse substantive consequences.
2. This case is to be tried to a jury.
3. **Pleadings:**
  - a. Plaintiffs shall file a Consolidated Amended Complaint by July 2, 2012. Any further amended pleadings may not be filed and additional parties may not be joined except with leave of the Court.
  - b. Defendant Nissan North America, Inc. ("NNA") shall file its responsive pleading and/or motions to Plaintiffs' Consolidated Amended Complaint by August 17, 2012.
4. **Jurisdictional Deadlines:**
  - a. The parties have agreed to confer about Plaintiffs' assertion that this Court may exercise jurisdiction over Defendant Nissan Motor Co., Ltd. ("NML"). The parties are to advise the Court by fax on or before June 29,

2012 whether they have been able to resolve their dispute on this issue. If the parties have not been able to resolve their dispute, then the following deadlines will apply.

- b. NML and NNA shall serve their objections and responses to the jurisdictional discovery served in the *Szymczak* matter by July 17, 2012. Service shall be made upon Plaintiffs' counsel on that date by email, with a courtesy copy by regular mail.
- c. The *Szymczak* Plaintiffs have until August 17, 2012 to conduct discovery on NML regarding NML's contacts in the United States and in New York.
- d. The *Szymczak* Plaintiffs shall send a status letter to Defendants' counsel via e-mail, with a courtesy copy by regular mail, about how they plan to proceed with regard to the personal jurisdiction issue in *Szymczak* by August 24, 2012. The *Szymczak* Plaintiffs shall send a copy of the letter by fax to the Court.
- e. If appropriate, NML is to re-file its Motion to Dismiss for Lack of Personal Jurisdiction by August 31, 2012.
- f. If applicable, the *Szymczak* Plaintiffs' Opposition to NML's Motion to Dismiss for Lack of Personal Jurisdiction shall be filed by September 21, 2012, and NML's Reply is due October 5, 2012.

5. **Initial Disclosures:**

Initial disclosures pursuant to Fed. R. Civ. P. 26(a)(1) shall be completed by August 31, 2012. (If NML re-files its Motion to Dismiss for Lack of Personal Jurisdiction, its deadline to serve initial disclosures will be abated pending a ruling on the

Motion. If NML's Motion is denied, NML will have 30 days after the ruling to serve its initial disclosures.)

6. **Class Certification Discovery:**

- a. The parties may serve document requests related to class certification on or after July 16, 2012 with the exception that no document requests may be served on Defendant NML pending resolution of jurisdiction issues as to NML either by agreement or decision of the Court.
- b. Fact discovery related to class certification shall be completed by April 30, 2013.

7. **Motion for Class Certification:**

The following deadlines shall apply to Plaintiffs' Motion for Class Certification:

Deadline to file Motion for Class Certification.	June 30, 2013
Plaintiffs' expert disclosures and reports due for any experts to be relied upon in support of Motion for Class Certification	June 30, 2013
Deadline for any dispositive motions Plaintiffs request to be considered prior to or in connection with class certification	June 30, 2013
Deadline for Plaintiffs to produce class certification experts for deposition	August 15, 2013
Deadline to file response to Motion for Class Certification	September 15, 2013
Defendants' expert disclosures and reports due for any experts to be relied upon in opposition to Motion for Class Certification	September 15, 2013

Deadline for any dispositive motions Defendants request to be considered prior to or in connection with class certification	September 15, 2013
Deadline for Defendants to produce class certification experts for deposition	October 15, 2013
Deadline to file reply re: Motion for Class Certification.	October 30, 2013
Class certification hearing.	TBD, 20__

8. **Dispositive Motions:**

Following the schedule set forth in Paragraph 7 above for Plaintiffs' and Defendants' dispositive motions that are to be considered prior to or in connection with class certification, the deadline for filing responses shall be 30 days after the motion is served. The deadline for filing replies shall be 14 days after the response is served. Each party's principal brief shall not exceed 40 pages, without leave of Court. Reply briefs shall not exceed 20 pages, without leave of Court.

9. **Other Matters:**

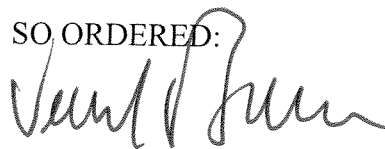
- a. The parties believe that deadlines concerning merits discovery, any further dispositive motions, and a pretrial schedule should be addressed only after the Court has made a determination on class certification.
- b. All motions and applications shall be governed by the Court's Individual Practices, including the requirement of a pre-motion conference before a motion for summary judgment is filed.
- c. This Civil Case Discovery Plan and Scheduling Order may not be modified or the dates herein extended without leave of the Court.

- d. If, after the entry of this Order, the parties consent to trial before a Magistrate Judge, the Magistrate Judge will schedule a date certain for trial and will, if necessary, amend this Order consistent therewith.
- e. The next case management conference is scheduled for January, 7, 2013 at 10:00 a.m.

Dated:

6/13/12  
White Plains, NY

SO ORDERED:



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Vincent L. Briccetti  
United States District Judge